

**Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND  
PROFESSIONAL REGISTRATION  
Division 2220—State Board of Pharmacy  
Chapter 2—General Rules**

**EMERGENCY AMENDMENT**

**20 CSR 2220-2.020 Pharmacy Permits.** The board is amending subsection (9)(K) and section (11).

*PURPOSE: This rule is being amended to allow Missouri pharmacies to dispense prescriptions issued based on a valid medical evaluation.*

*EMERGENCY STATEMENT: Subsection (9)(K) and section (11) of this rule prohibit a pharmacist from filling a prescription if the prescription was written without a physical, in-person examination of the patient. Since the original enactment of the rule's prohibition, both Missouri and federal law have been amended to recognize and allow healthcare delivered via "telehealth" or "telemedicine." For example, section 335.175, RSMo, specifically authorizes collaborating physicians and advanced practice registered nurses to provide "telehealth services" in rural areas. [See also: section 208.670, RSMo, (authorizing MO HealthNet payment for telehealth services), section 191.1140, RSMo, (establishing the ECHO program to encourage "telehealth services" for chronic, common, and complex diseases); and section 376.1900, RSMo, (mandating insurance reimbursement for qualifying "telehealth services.")]*

*Under a valid "telehealth" or "telemedicine" arrangement, medical information is exchanged from one site to another via electronic communication or consultations. With advancements in technology, healthcare practitioners are able to electronically examine and monitor patients and prescribe medication as deemed medically appropriate. Despite these advances, the current rule prohibits Missouri pharmacies from filling any resulting prescriptions even though a valid patient-practitioner relationship exists and a valid medical examination has been conducted. The board has received multiple reports from Missouri patients that are unable to fill their prescriptions anywhere in the state. Significantly, Missouri has multiple large telehealth programs serving a wide population of Missouri patients, including, programs operated by Mercy Health System, the University of Missouri and Barnes-Jewish Hospital.*

*The board has received comments that the rule's prohibition is particularly impacting rural areas where telehealth services are used to provide access to providers and specialty services that are otherwise unavailable in these regions. The board has also received notice from a large statewide psychiatric health program indicating that it will be required to immediately suspend telehealth/telemedicine prescriptive services if the rule is not amended which would detrimentally impact access to patient care.*

*Absent an amendment, the board's rule would significantly and adversely affect patient health by prohibiting patients from filling valid prescriptions at any Missouri pharmacy. As a result, the Missouri State Board of Pharmacy finds that there is an immediate danger to the public health, safety, and/or welfare and a compelling governmental interest that requires this emergency*

*action. A proposed amendment, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitutions**. The Missouri State Board of Pharmacy believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed January 19, 2016, effective February 2, 2016, and expires July 30, 2016.*

(9) The following classes of pharmacy permits or licenses are hereby established:

(K) Class K: Internet. A pharmacy that provides services as defined in section 338.010, RSMo, and is involved in the receipt, review, preparation, compounding, dispensing or offering for sale any drugs, chemicals, medicines or poisons for any new prescriptions originating from the Internet for greater than ninety percent (90%) of the total new prescription volume on any day. *[A prescription must be provided by a practitioner licensed in the United States authorized by law to prescribe drugs and who has performed a sufficient physical examination and clinical assessment of the patient.]*

(11) Prescriptions processed by any classification of licensed pharmacy must be provided by a practitioner licensed in the United States authorized by law to prescribe drugs and who has performed a *[sufficient physical examination and clinical assessment of the patient]* **medical evaluation of the patient as required by law.** *[A pharmacist shall not dispense a prescription drug if the pharmacist has knowledge, or reasonably should know under the circumstances, that the prescription order for such drug was issued on the basis of an Internet-based questionnaire, an Internet-based consultation, or a telephonic consultation, all without a valid preexisting patient-practitioner relationship.]*

*AUTHORITY: section[s] 338.140, RSMo Supp. 2013, and section 338.280, RSMo 2000. This rule originally filed as 4 CSR 220-2.020. Original rule filed July 18, 1962, effective July 28, 1962. Amended: Filed Nov. 9, 1966, effective Nov. 19, 1966. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed January 19, 2016, effective February 2, 2016, expires July 30, 2016. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*